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08/530, 778 09/19/95 SCHERTLER

R 622/40901RE

EXAMINER

NGUYEN, K

ART UNIT PAPER NUMBER

4

C2M1/0603

EVENSON MCKEOWN EDWARDS & LENAHAN
1200 G STREET NW SUITE 700
WASHINGTON DC 20005

3206

DATE MAILED:

06/03/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6.

Part II SUMMARY OF ACTION

1. Claims 1 - 34 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 1 - 34 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.65 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. 07/888,111; filed on 5/26/92.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

Art Unit: 3206

Specification

1. This application does not contain an Abstract of the Disclosure as required by 37 C.F.R. § 1.72(b). An Abstract on a separate sheet is required.

Oath/Declaration

2. The reissue oath or declaration filed with this application is defective because it fails to distinctly specify the insufficiencies in scope between the original claims and the instant claims, as required under 37 C.F.R. § 1.175(a)(3).

Although it may set forth how the scope of the added reissue claims, it does not specify how the scope of the original claims is different from the scope of the added claims. Specifically, how differences in scope for having, in addition to the original claims, independently movement between the conveyors, or without the requirement of treating and handling the at least one workpiece at the two openings?.

Note that the reissue declaration, in order to meet the requirement under C.F.R. § 1.175(a)(3), should describe how each of the changes in the added claims rectifies the errors in the original claims of the patent, and how the scope of the added claims differs from the original claims of the patent. See MPEP 1414.01.

Art Unit: 3206

3. The reissue oath or declaration filed with this application is defective because it fails to particularly specify the errors relied upon, as required under 37 C.F.R. § 1.175(a)(5). That includes:

"any change or departure from the original specification or claim representing an error in the original patent under 35 USC 251 must be addressed in the reissue oath or declaration" and including "how and when each of the errors arose or occurred", as well as, "how and when each of the errors was discovered".

Applicant's attention is directed to *Hewlett-Packard v. Bausch & Lomb*, 11 USPQ 2d 1750, 1758 (Fed. Cir. 1989).

Further, Applicant's oath or declaration does not specify why the inventions set forth in the added claims were never ~~disclosed~~ previously claimed in the original patent, particularly, in the newly independent claims 30-34, in which, claims 30-33 comprise holding members being selectively brought into the opening of the chamber and/or having a linear drive for each of the conveyors (claim 32), and in claim 34 the method of processing a workpiece by utilizing the original claimed apparatus.

CLAIM REJECTIONS - 35 USC § 251

4. Claims 1-34 are rejected as being based upon a defective reissue declaration under 35 U.S.C. § 251. See 37 C.F.R. § 1.175.

Art Unit: 3206

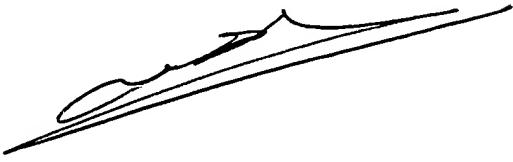
5. Claims 30-34 are rejected under 35 U.S.C. § 251 as being improperly claiming newly features from the original claims and are drawn to independent and distinct inventions which were not claimed in the original patent (see the above paragraph 2).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khan V. Nguyen whose telephone number is (703) 308-1769.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1148.

Pursuant to 37 CFR 1.6(d), Applicant may submit documents related to the application directly to the group through facsimile transmission whose number is (703) 305-3579.

Khan V. Nguyen
May 24, 1996


PETER VO
PRIMARY EXAMINER
GROUP 3200